

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



September 23, 1992

ALL COUNTY INFORMATION NOTICE I-50-92

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES  
ALL SDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: ADOPTION ASSISTANCE PROGRAM LEGISLATIVE CHANGES

Implementing statutes for the Fiscal Year 1992-93 State Budget included significant changes in the Adoption Assistance Program (AAP). These changes (1) affect responsibilities for certification of special needs status of a prospective AAP eligible child as well as determination of the amount of financial assistance needed by the child and adopting family and (2) revise the limit on financial assistance available through the AAP. Provisions of Senate Bill 485 (Green) which amended Sections 16118 through 16123 of the Welfare and Institutions (W&I) Code apply *only* to those AAP agreements signed *on or after October 1, 1992*. All AAP agreements executed prior to October 1, 1992, including those that are to be recertified and those that were established on a deferred basis, are not affected by these amendments.

The Department will be adopting regulations to reflect these changes in the law. In the interim, the following guidelines are provided for all adoption agencies to follow:

- o The Department or the adoption agency of the county responsible for providing the AAP payments for a child shall be responsible for certifying that the child meets special needs criteria and for determining the amount of financial assistance a family will receive. This authority rests with the county which at the time of the adoptive placement would otherwise be responsible for payments under AFDC or AFDC-FC. The responsible county in all other cases is the county where the child is physically residing prior to placement with the prospective adoptive family. No longer will the *custody of the child* be the factor which determines the agency responsible for certifying the need or the amount of the AAP financial assistance. This means that for Adoption Assistance Agreements finalized after October 1, 1992, licensed private adoption agencies no longer will be authorized to certify the special needs status of a child or to determine the amount of financial assistance awarded.

- o For those counties that do not maintain their own adoptions unit, and are served by the Department's Adoptions District Offices, the responsibility for certifying a child's special needs and the amount of the AAP financial assistance will be the responsibility of the appropriate District Office.

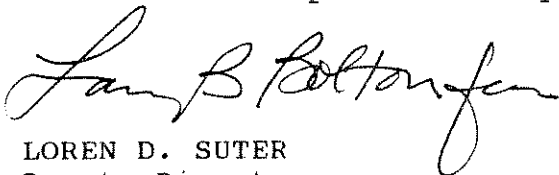
If two private adoption agencies are making a cooperative placement, the responsibility for certifying that a child meets special needs criteria and for setting the amount of AAP benefits will rest with the adoption agency of the financially responsible county or the Department's Adoptions District Office responsible in a particular county as noted previously.

- o The maximum available amount of aid, as established under W&I Code Section 16121, has been amended so that AAP financial assistance does not exceed the *"age-related state-approved basic foster family home care rate."* This means that for all initial Adoption Assistance Agreements signed on or after October 1, 1992, the maximum amount of financial assistance the family can receive, subject to negotiation based on identified needs of the child and consideration of the family's financial circumstances, is the state-approved basic foster family home care rate for the present age of the child.

Nothing other than the "state-approved basic foster family home care rate" can be used as the maximum amount eligible for State reimbursement. Specialized care increments and group home rates can no longer be applied to the maximum amount of payment for initial AAP agreements signed on or after October 1, 1992.

A change in the amount of an AAP benefit can occur only after an evaluation of the child's needs and consideration of the resources of the family is made. Any actual increase, however, for those AAP agreements signed after October 1, 1992, cannot result in an AAP payment which exceeds the state-approved basic foster family home care rate for the present age of the child in question.

If there any questions with regard to these changes, please contact the Adoptions Policy Bureau at (916) 322-4228.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services

cc: CWDA